

REMARKS

Claims 1-12 are all the claims pending in the application.

Claims 1-12 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya *et al.* (U.S. Patent No. 5,346,217; hereinafter “Tsuchiya”) in view of Motomiya (U.S. Patent No. 4,438,931; hereinafter “Motomiya”), Hoshi (U.S. Patent No. 5,205,560; hereinafter “Hoshi”), Tsuchida (U.S. Patent No. 5,255,913; hereinafter “Tsuchida”), Kusumoto (U.S. Patent No. 6,634,958; hereinafter “Kusumoto”) and Murphy (U.S. Patent No. 6,332,847; hereinafter “Murphy”). Applicant submits the following in traversal.

Rejection of Claims 1-12 under §103(a) over Tsuchiya in view of Motomiya, Hoshi, Tsuchida, Kusumoto, and Murphy

Applicant respectfully submits that claim 1 is patentable because Tsuchiya, Motomiya, Hoshi, Tsuchida, Kusumoto and Murphy, in combination or individually, fail to teach or suggest a hollow golf club wherein the crown portion and at least a part of the side portion have a Young’s modulus lower than the face portion and the sole portion, and an intersection angle between the crown portion and the side portion is larger than 90 degrees, in combination with other elements of the claim.

On page 3 of the Office Action, the Examiner states (emphasis added):

While the references do not provide any specific reason for the 90 degree arrangement, one may safely conclude that such represents an obvious design variation over prior art wood type club heads, given the enormous variance in club head design available in the art. As the primary reference to Tsuchiya as well as the teaching references to both Kusumoto and Murphy are each directed to club heads of hollow metallic construction, it is clear that one of ordinary skill in the art at the time the invention was made would have been able to glean the design benefits of Kusumoto and Murphy for incorporation with the Tsuchiya device.

Applicant submits that Kusumoto and Murphy provide absolutely no mention of any design benefits of having the crown portion and the side portion being larger than 90 degrees.

Rather, Kusumoto and Murphy are both directed to the interface between a shaft and the club head and the arrangement of the crown portion with respect to a side portion is of no relevance for these references.

In the Office Action, the Examiner states that:

For example, an intersection of greater than 90 degrees between the crown and the side in Tsuchiya club head would have provided a crown surface with a slightly more upwardly curved contour or a side surface with a slightly more bulged outward appearance.

The above statements, however, merely describe the resultant shape of the club head if the references are be combined, and do not provide the necessary motivation to combine the references.

Applicant submits that a prima facie case of obviousness has not been established and claim 1 is patentable.

Claims 2-6, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

Claim 7 is patentable for reasons similar to those submitted for claim 1. Claims 8-12, which depend from claim 7, are patentable for at least the reasons submitted for claim 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
Application No.: 10/802,874

Attorney Docket No.: Q80281

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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